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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/697,154 | 10/31/2003 | Frederick M. Perkins | 19529 | 9098 |
| 26480 | 7590 | 12/07/2005 | EXAMINER | |
| LAWRENCE E. LAUBSCHER, SR. LAUBSCHER LAW OFFICES 1160 SPA ROAD SUITE 2B ANNAPOLIS, MD 21403 | | | LUGO, CARLOS | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3676 | |

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,154

Applicant(s)

PERKINS, FREDERICK M.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 7-12 is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on September 22, 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 4 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,709,030 to Furlong in view of US Pat No 6,113,160 to Johansson et al (Johansson) and further in view of US Pat No 462,183 to Varney.

Regarding claim 1, Furlong discloses a latch and strike assembly comprising a generally tubular body (2) adapted for connection with a first support member. The body has a vertical longitudinal axis and a horizontal divider wall (Figure 8) defining upper and lower chambers in the body. The body has at its lower end a wall portion containing a transverse opening communicating with the lower chamber.

A latch member (24,26 and 30) is mounted in the wall opening for axial displacement between retracted and extended positions relative to the body. The latch member includes a first end portion (at 26) that extends from the housing when the latch member is in the extended position (Figure 5).

The assembly also comprises spring means (38) biasing the latch member toward the extended position relative to the body and release means (16) for displacing the latch toward the retracted position relative to the body.

However, Furlong fails to disclose that the assembly further comprises a striker member as a separate member connected to a second support member adjacent the latch first end and that the latch and the striker members are provided with a plurality of ratcheting teeth engaged to each other having a transverse tips and curved valleys. Furlong discloses that the latch member engages an extended surface that is part of the second support member (Figure 5).

Johansson teaches that it is well known in the art to have a latch member (240), mounted to a housing at a first support member, engaged to a striker member (212) that is a separate member mounted to a second support member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching into Furlong's device of having a striker member as a separate member with respect to a support member, as taught by Johansson, since the fact that the members are separate elements in place of a one piece construction is a design consideration within the skill of the latches art that will not affect the mechanism of the assembly.

Also, Johansson teaches that it is well known to have a latch and a striker member provided with a plurality of ratcheting teeth engaged to each other.

Further, Varney teaches that it is well known in the art to have ratchet teeth connection between a latch (15,26 and 29) and a striker or keeper (6) that have transverse tips and curved valleys (Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a ratchet teeth securing engagement into the Furlong's device, as taught by Johansson and Varney, in order to secure the striker with respect to the latch bolt.

As to claim 4, Johansson teaches that the strike member has a generally polygonal cross-sectional configuration. Varney also teaches that the striker member has a generally polygonal cross sectional configuration and that the tips of the striker member are arcuate.

4. **Claim 3 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,709,030 to Furlong in view of US Pat No 6,113,160 to Johansson et al (Johansson) and in view of US Pat No 462,183 to Varney as applied to claim 1 above, and further in view of US Pat No 5,484,178 to Sandhu et al (Sandhu).

Furlong, as modified by Johansson and Varney, fails to disclose that the strike member has a generally circular cross-sectional configuration. Furlong, as modified by Johansson and Varney, teaches that the strike member has a generally polygonal cross-sectional configuration.

Sandhu teaches that it is well known in the art to have a latch assembly having a latch member (40) engaged with a striker member (28) that has a generally circular cross-sectional configuration (Figure 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a striker member with a generally circular cross-sectional configuration, as taught by Sandhu, into a latch assembly as described by Furlong, as modified by Johansson and Varney, since it would be considered as a design consideration within the latch art that will not affect the engagement between the latch member and the striker member.

Allowable Subject Matter

5. **Claims 5 and 7-12 are allowed.**

Response to Arguments

6. Applicant's arguments filed on September 22, 2005 have been fully considered but they are not persuasive.

The applicant argues that Furlong, as modified by Johansson and Varney, fails to disclose the invention as claimed in claim 1 (Page 12 Line 22).

Furlong discloses substantially the invention as claimed. Furlong only fails to disclose that the latch engages a striker member, each being provided with a plurality of ratcheting teeth engaged to each other.

Johansson is used to show that it is well known in the art of latches to have a latch member that engages a striker member, wherein the striker member is a separate member from where is mounted. Further, Johansson teaches that is well known in the art of latches to provide ratcheting teeth on the latch and the striker member so as to assist in the engagement of the members.

Varney is also used to show that it is well known in the art of latches to provide a latch (15,26 and 29) with teeth having transverse tips and curved valleys that are engaged to a striker element (5) having complementary teeth that have transverse tips and curved valleys.

The recitation with respect to the manner in which an apparatus is intended to be employed does not impose any structural limitation upon the claimed apparatus, which differentiates it from a prior art reference disclosing the structural limitations of the claim. Therefore, the arguments are not persuasive and the rejection is maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

November 30, 2005.


BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER